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10 Attorneys for Third Parties  
11 THEODORE KRAMER and  
12 THOMAS SCARAMELLINO

13 SUPERIOR COURT OF CALIFORNIA  
14  
15 COUNTY OF SAN MATEO

16 **Six4Three**, a Delaware limited liability  
17 company,

18 Plaintiff;

19 v.

20 **Facebook, Inc.**, a Delaware corporation;  
21 **Mark Zuckerberg**, an individual;  
22 **Christopher Cox**, an individual; **Javier**  
23 **Olivan**, an individual; **Samuel Lessin**, an  
24 individual; **Michael Vernal**, an individual;  
25 **Ilya Sukhar**, an individual; and **Does 1-50**,  
26 inclusive,

27 Defendants.

**FILED**  
**SAN MATEO COUNTY**  
JUN 04 2019

Clerk of the Superior Court  
By 

Case No. CIV533328

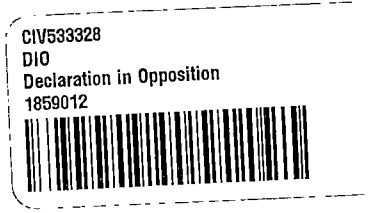
Assigned for all purposes to Hon. V.  
Raymond Swope, Dep't 23

**DECLARATION OF THEODORE KRAMER IN  
SUPPORT OF OPPOSITION TO FACEBOOK'S  
EX PARTE APPLICATION**

Date: June 7, 2019  
Time: 2:00 p.m.  
Department: 23

Action Filed April 10, 2015  
Trial Date: None set

*Signature by Fax*



1 I, Theodore Kramer, declare under penalty of perjury as follows.

2 1. My name is Theodore Kramer. I make the following statements based on my  
3 personal knowledge, and I believe them to be true. I could and would testify competently if  
4 called as a witness.

5 2. On May 31, 2019, I submitted my Declaration regarding Retention of Counsel.

6 3. On June 3, 2019, Facebook submitted the present *Ex Parte* Application. Neither I  
7 nor my counsel received prior notice of Facebook's request that I appear in person at the June 7,  
8 2019 hearing before this Notice of *Ex Parte* Application was served.

9 4. The only item I have received from Facebook's counsel regarding this Friday's  
10 hearing is Facebook's Proposed Order Resetting Case Management Conference to June 7, a true  
11 and correct copy of which is attached hereto as **Exhibit 1**.


12 5. I am willing to appear and answer any questions the Court may have regarding  
13 my May 31 declaration and my efforts to secure representation for Plaintiff, however, I have  
14 several long-planned business meetings scheduled for this Friday in New York which I am  
15 unable to defer or cancel. A true and correct copy of an email confirming one such meeting is  
16 attached hereto as **Exhibit 2**, with the personal information of non-parties redacted.

17 6. This is the first time Facebook has requested that I appear at a Case Management  
18 Conference. Every time I have been required to appear by this Court, I have been provided ample  
19 notice. Furthermore, I did not anticipate the Case Management Conference at issue being moved  
20 from June 28, 2019 to June 7, 2019 at Facebook's request when contemplating my business  
21 schedule.

22 7. I can confirm that I will be able to appear and answer any questions the Court  
23 may have on June 26, 2019. If this date is not agreeable, I am willing to agree to a different date.

24 8. Alternatively, I am also willing to answer any questions the Court may have over  
25 the telephone during the hearing as currently scheduled.

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct and that this declaration was entered into on June 4, 2019 in Palo  
3 Alto, California.

4   
Theodore Kramer (Jun 4, 2019)

Theodore Kramer

# **EXHIBIT 1**



CASE NAME:  
SIX4Three, LLC v. Facebook, Inc. et al.

CASE NUMBER:  
CIV 533328

**PROOF OF ELECTRONIC SERVICE  
PROPOSED ORDER**

1. I am at least 18 years old and not a party to this action.

a. My residence or business address is (*specify*):  
217 Leidesdorff St., San Francisco, CA 94111

b. My electronic service address is (*specify*): SERVICE-SIX4THREE@durietangri.com.

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):  
See Attachment

b. To (*electronic service address of person served*): See Attachment

c. On (*date*): 5/22/2019

☒ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 22, 2019

Catherine Y. Kim

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

## SERVICE LIST ATTACHMENT

### VIA U.S. MAIL & EMAIL

Theodore Kramer  
1267 Chestnut St., Apt. 6  
San Francisco, CA 94109  
ted@six4three.com

*Agent for Service of Process for Six4Three, LLC*

### VIA EMAIL ONLY

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8 Facsimile: 415-236-6300

9 Attorneys for Defendant  
Facebook, Inc.

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN MATEO

12 SIX4THREE, LLC, a Delaware limited liability  
13 company,

14 Plaintiff,

15 v.

16 FACEBOOK, INC., a Delaware corporation;  
17 MARK ZUCKERBERG, an individual;  
CHRISTOPHER COX, an individual;  
18 JAVIER OLIVAN, an individual;  
SAMUEL LESSIN, an individual;  
19 MICHAEL VERNAL, an individual;  
ILYA SUKHAR, an individual; and  
20 DOES 1-50, inclusive,

21 Defendants.

Case No. CIV 533328

**Assigned for all purposes to Hon. V. Raymond  
Swope, Dept. 23**

**[PROPOSED] ORDER RESETTING CASE  
MANAGEMENT CONFERENCE TO JUNE 7,  
2019**

Date: May 10, 2019  
Time: 9:00 a.m.  
Dept: 23 (Complex Civil Litigation)  
Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015  
TRIAL DATE: April 25, 2019



1 In the Order Granting Attorney's Motion to be Relieved as Counsel—Civil issued on April 29,  
2 2019, the Court set a Case Management Conference regarding Plaintiff Six4Three, LLC's ("Six4Three")  
3 status of retention of new counsel for June 28, 2019 at 2:00 p.m. in Department 23, with Case  
4 Management Conference statements addressing Plaintiff's retention of counsel to be filed and  
5 electronically served no later than June 21, 2019. Order Granting Attorney's Motion to be Relieved as  
6 Counsel—Civil at Attachment 13 p. 2 (Apr. 29, 2019).

7 The Case Management Conference regarding the status of Six4Three's retention of new counsel  
8 is reset to June 7, 2019 at 2:00 p.m. Case Management Conference statements addressing the status of  
9 Six4Three's retention of new counsel shall be filed and electronically served no later than May 31, 2019.

10 The Court further orders counsel for Mr. Theodore Kramer to file a notice of Mr. Kramer's  
11 contact information, including his mailing address, with the Court so that Six4Three can be served with  
12 notice of the resetting of the Case Management Conference.

13  
14 **IT IS SO ORDERED.**

15 Dated: \_\_\_\_\_

\_\_\_\_\_  
16 HON. V. RAYMOND SWOPE  
17 SUPERIOR COURT JUDGE  
18  
19  
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23  
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28

# **EXHIBIT 2**



Theodore Kramer [REDACTED]

Teddy (NEON) <> [REDACTED]

Theodore Kramer [REDACTED]

Thu, May 30, 2019 at 1:18 PM

To: [REDACTED]

Great. Looking forward to it.

On Thu, May 30, 2019 at 1:17 PM [REDACTED] wrote:

Perfect. I'll send over a calendar invite.

[REDACTED]  
*Investor*  
[REDACTED]

email: [REDACTED]

mobile: [REDACTED]

address: [REDACTED] New York, NY 10018



On Thu, May 30, 2019 at 4:16 PM Theodore Kramer [REDACTED] wrote:

Friday afternoon sounds great.

How about 3:30pm at your office [REDACTED]?

On Thu, May 30, 2019 at 1:12 PM [REDACTED]

Thanks [REDACTED]! (to bcc)

Hi Teddy - It is great to meet you. Would love to chat further; how does next Thurs or Friday afternoon EST look for you?

Best,  
[REDACTED]  
[REDACTED]  
[REDACTED]

email: [REDACTED]

mobile: [REDACTED]

address: [REDACTED] New York, NY 10018



On Thu, May 30, 2019 at 3:56 PM [REDACTED] wrote:

Hi Teddy and [REDACTED]

I wanted to put you both in touch. Teddy is the CEO/ Founder of NEON and [REDACTED].  
I hope you can connect soon!

Best,

[REDACTED]

--

[REDACTED] [REDACTED] [REDACTED]